

SENATE JOINT RESOLUTION 72
By Kurita

A RESOLUTION to create a special joint committee to study the possible social and economic costs of employee misclassification in the construction industry.

WHEREAS, recently other states have examined concerns that employees in their construction industries have been misclassified as self-employed, independent contractors instead of waged or salaried employees; and

WHEREAS, such misclassification of workers who should be getting W-2 forms for income tax filing who instead receive 1099 Miscellaneous income forms appears to stem from the desire to avoid costs of payroll taxes and mandated benefits, and especially to avoid payment of workers' compensation insurance premiums; and

WHEREAS, misclassified employees lose access to unemployment insurance and to appropriate levels of workers' compensation insurance; they are liable for full Social Security tax and lose access to employer-based benefits; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that there is hereby created a special joint committee to study the possible social and economic costs of employee misclassification in the construction industry in Tennessee.

BE IT FURTHER RESOLVED, that the committee shall consist of three (3) members of the Commerce Committee of the House of Representatives and three (3) members of the Commerce, Labor and Agriculture Committee of the Senate, to be appointed by the respective speakers.

BE IT FURTHER RESOLVED, that all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, that all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, that the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, that the special committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Fourth General Assembly no later than February 1, 2006, at which time the committee shall cease to exist.